

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6895

BILL NUMBER: HB 1179

NOTE PREPARED: Feb 19, 2008

BILL AMENDED: Feb 14, 2008

SUBJECT: Recovery for Restraint of Trade.

FIRST AUTHOR: Rep. Moses

FIRST SPONSOR: Sen. Bray

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill authorizes the Attorney General to bring suit on behalf of the state or a political subdivision to recover direct or indirect damages suffered by the state as the result of certain unlawful acts in restraint of trade. The bill also provides that a prevailing plaintiff is also entitled to treble damages and reasonable costs and attorney's fees.

Effective Date: Upon Passage.

Explanation of State Expenditures: *Attorney General:* The Attorney General would be allowed to represent the state or a political subdivision to recover a penalty of threefold the damages awarded in the action, plus reasonable costs, and attorney's fees. The Attorney General's existing level of resources would be sufficient to bring actions as provided in the bill.

Explanation of State Revenues: *Court Fee Revenue:* Any civil penalties collected by the Office of the Attorney General are deposited in the state General Fund. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$17), the public defense administration fee (\$3), the court administration fee (\$3), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue to the Common School Fund, from fines, may also increase. Any additional revenue is indeterminable and would likely be minimal.

Explanation of Local Expenditures:

Explanation of Local Revenues: Circuit and superior courts could potentially see an increased number of

suits filed as a result of the bill. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. Any additional revenue is likely to be minimal.

State Agencies Affected: Attorney General.

Local Agencies Affected: Circuit and Supreme Courts.

Information Sources:

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